# EXHIBIT 3

(Rev. 10/19) Judgment in a Criminal Case Sheet 1

TEB/js (4930543)

# UNITED STATES DISTRICT COURT

Western District Of New York UNITED STATES OF AMERICA JUDGMENT IN A CRIMINAL CASE Case Number: 1:21CR00032-002 Frank Giacobbe USM Number: 28089-055 Herbert L. Greenman Defendant's Attorney THE DEFENDANT: □ pleaded guilty to count(s) 1 of the Superseding Information □ pleaded nolo contendere to count(s) which was accepted by the court.  $\square$  was found guilty on count(s) after a plea of not guilty. The defendant is adjudicated guilty of these offenses: Title & Section Nature of Offense Offense Ended Count 18 U.S.C. §2113(b) Bank Larceny 03/2011 The defendant is sentenced as provided in pages 2 through of this judgment. The sentence is imposed pursuant to 6 the Sentencing Reform Act of 1984. ☐ The defendant has been found not guilty on count(s) ☑ Indictment 1:21CR00032-002 ☐ are dismissed on the motion of the United States. ⊠ is It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances. Elizabeth A. Wolford, Chief U.S. District Judge Name and Title of Judge July 22, 2022 Date

(Rev. 10/19) Judgment in a Criminal Case

Sheet 4 — Probation

TEB/js (4930543)

2

Judgment-Page

DEFENDANT: CASE NUMBER: Frank Giacobbe 1:21CR00032-002

## **PROBATION**

You are hereby sentenced to probation for a term of:

One (1) year & One (1) Day

#### MANDATORY CONDITIONS

- 1. You must not commit another federal, state or local crime.
- 2. You must not unlawfully possess a controlled substance.
- 3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. (check if applicable)

- 4. \( \sum \) You must cooperate in the collection of DNA as directed by the probation officer. (check if applicable)
- 5. You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, et seq.) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which you reside, work, are a student, or were convicted of a qualifying offense. (check if applicable)
- 6. You must participate in an approved program for domestic violence. (check if applicable)
- 7. Unusual make restitution in accordance with 18 U.S.C. §§ 2248, 2259, 2264, 2327, 3663, 3663 A, and 3664. (check if applicable)
- 8. You must pay the assessment imposed in accordance with 18 U.S.C. § 3013.
- 9. If this judgment imposes a fine, you must pay in accordance with the Schedule of Payments sheet of this judgment.
- 10. You must notify the court of any material change in your economic circumstances that might affect your ability to pay restitution, fines, or special assessments.

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

(Rev. 10/19) Judgment in a Criminal Case

Sheet 4A — Probation

TEB/js (4930543)

Judgment-Page

DEFENDANT: Frank Giacobbe CASE NUMBER: 1:21CR00032-002

## STANDARD CONDITIONS OF SUPERVISION

As part of your probation, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

- 1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of the time you were sentenced, unless the probation officer instructs you to report to a different probation office or within a different time frame.
- 2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed
- 3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
- 4. You must answer truthfully the questions asked by your probation officer.
- 5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
- 6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
- 7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
- 8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
- 9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
- 10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
- 11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
- 12. If the court determines in consultation with your probation officer that, based on your criminal record, personal history and characteristics, and the nature and circumstances of your offense, you pose a risk of committing further crimes against another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
- 13. You must follow the instructions of the probation officer related to the conditions of supervision.

## U.S. Probation Office Use Only

Upon a finding of a violation of probation or supervised release, I understand that this court may (1) revoke supervision, (2) extend the terms of supervision, and/or (3) modify the conditions of probation or supervised release. A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: <a href="https://www.uscourts.gov">www.uscourts.gov</a>.

Defendant's Signature	 Date
U.S. Probation Officer's Signature	Date

#### Casasas:1824ra003000332EDen/Waldkis42Dacufritent 4.4.D3/F006/030i7/25X52D F72000945001619

AO 245B (Rev. 10/19) Judgment in a Criminal Case

Sheet 4C - Probation

TEB/js (4930543)

Judgment—Page 4 of 6

DEFENDANT: Frank Giacobbe CASE NUMBER: 1:21CR00032-002

#### SPECIAL CONDITIONS OF SUPERVISION

The defendant shall participate in a program for substance abuse, including substance abuse testing such as urinalysis and other testing, and shall undergo a drug/alcohol evaluation and treatment if substance abuse is indicated by the testing. The probation officer will supervise the details of any testing and treatment, including the selection of a treatment provider and schedule. If in-patient treatment is recommended, however, it must be approved by the Court unless the defendant consents. The defendant is not to leave treatment until completion or as ordered by the court. While in treatment and after discharge from treatment, the defendant is to abstain from the use of alcohol. The defendant is required to contribute to the cost of services rendered.

The defendant shall submit to a search of his person, property, vehicle, place of residence or any other property under his control, based upon reasonable suspicion, and permit confiscation of any evidence or contraband discovered.

X

(Rev. 10/19) Judgment in a Criminal Case

TEB/js (4930543)

Sheet 5 — Criminal Monetary Penalties Judgment-Page **DEFENDANT:** Frank Giacobbe CASE NUMBER: 1:21CR00032-002 CRIMINAL MONETARY PENALTIES The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6. Assessment AVAA Assessment\* JVTA Assessment\*\* Restitution **TOTALS** \$ 25 \$ 500 . An Amended Judgment in a Criminal Case (AO 245C) will be entered The determination of restitution is deferred until after such determination. The defendant must make restitution (including community restitution) to the following payees in the amount listed below. If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid. Name of Payee Total Loss\*\* **Restitution Ordered Priority or Percentage TOTALS** \$ Restitution amount ordered pursuant to plea agreement \$

fine

The court determined that the defendant does not have the ability to pay interest and it is ordered that:

 $\boxtimes$ 

fine

delinquency and default, pursuant to 18 U.S.C. § 3612(g).

★ ■ The interest requirement is waived for the interest requirement is waived for the interest.

the interest requirement for the

The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for

restitution.

restitution is modified as follows:

<sup>\*</sup> Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299.

<sup>\*\*</sup> Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

<sup>\*\*</sup> Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

(Rev. 10/19) Judgment in a Criminal Case Sheet 6 — Schedule of Payments

TEB/js (4930543)

Judgment - Page **DEFENDANT:** Frank Giacobbe CASE NUMBER: 1:21CR00032-002 SCHEDULE OF PAYMENTS Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows: Lump sum payment of \$ due immediately, balance due not later than , or in accordance E, or ☐ F below; or В Payment to begin immediately (may be combined with ☐ D, or C Payment in equal (e.g., weekly, monthly, quarterly) installments of \$ over a period of (e.g., months or years), to commence (e.g., 30 or 60 days) after the date of this judgment; or D (e.g., weekly, monthly, quarterly) installments of \$ Payment in equal (e.g., months or years), to commence (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or E Payment during the term of supervised release will commence within (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or F Special instructions regarding the payment of criminal monetary penalties: The defendant shall pay a special assessment of \$25, which shall be due immediately. If incarcerated, payment shall begin under the Bureau of Prisons Inmate Financial Responsibility Program. Payments shall be made to the Clerk, U.S. District Court (WD/NY), 2 Niagara Square, Buffalo, New York 14202. THE COURT IMPOSES A \$500 FINE. The Court finds that the defendant has the ability to pay a \$500 fine. Interest on the fine is waived. While incarcerated, if the defendant is non-UNICOR or UNICOR grade 5, the defendant shall pay installments of \$25 per quarter. If assigned grades 1 through 4 in UNICOR, the defendant shall pay installments of 50% of the inmate's monthly pay. While on supervision, the defendant shall make monthly payments at the rate of 10% of monthly gross income Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court. The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed. Joint and Several Case Number Defendant and Co-Defendant Names Joint and Several Corresponding Payee, (including defendant number) Total Amount Amount if appropriate. The defendant shall pay the cost of prosecution. The defendant shall pay the following court cost(s):

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVTA assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.

The defendant shall forfeit the defendant's interest in the following property to the United States:

(Rev. 11/16) Judgment in a Criminal Case Sheet 1

ASM/js (6227383)

## United States District Court Western District Of New York UNITED STATES OF AMERICA JUDGMENT IN A CRIMINAL CASE Case Number: 1:21CR00032-004 Michael Tremiti USM Number: 28709-055 Donald M. Thompson Defendant's Attorney THE DEFENDANT: □ pleaded guilty to count(s) 1 of the Superseding Information pleaded nolo contendere to count(s) which was accepted by the court. $\square$ was found guilty on count(s) after a plea of not guilty. The defendant is adjudicated guilty of these offenses: Title & Section Nature of Offense Offense Ended 18 U.S.C. § 2113(b) Bank Larceny 09/2016 The defendant is sentenced as provided in pages 2 through 4 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984. $\square$ The defendant has been found not guilty on count(s) Counts 1, 76, 78, and 114 of the Superseding Indictment under $\boxtimes$ Count(s) $\Box$ is □ are dismissed on the motion of the United States. Docket No. 1:18-CR-00108-006 It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances. Date of Imposition of Judgment

Signature of Judge
Elizabeth A. Wolford, Chief U.S. District Judge Name and Title of Judge
July 22, 2022 Date

(Rev. 11/16) Judgment in Criminal Case Sheet 2 — Imprisonment

ASM/js (6227383)

**DEFENDANT:** CASE NUMBER: Michael Tremiti 1:21CR00032-004 Judgment — Page 2 of

## **IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of: Time Served

	The cost of incarceration fee is waived.
	The court makes the following recommendations to the Bureau of Prisons:
	The defendant is remanded to the custody of the United States Marshal.
	The defendant shall surrender to the United States Marshal for this district:
	□ at □ p.m. on □ .
	as notified by the United States Marshal.
	The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:
	□ before 2 p.m. on
	as notified by the United States Marshal.
	as notified by the Probation or Pretrial Services Office.
	RETURN
I have e	xecuted this judgment as follows:
1114100	included and judgment as follows.
	Defendant delivered on to
at	, with a certified copy of this judgment.
<del></del>	,
	UNITED STATES MARSHAL
	Ву
	DEPUTY UNITED STATES MARSHAL

AO 245B (Rev. 06/21) Judgment in a Criminal Case Sheet 3 — Criminal Monetary Penalties

after September 13, 1994, but before April 23, 1996.

ASM/js (6227383)

DEFENDANT:		Michael Tremiti		Judgment—P	age 3	of	4
CASE NUMBER:		1:21CR00032-004					
		CRIMINAL MO	ONETARY PENALTI	ES			
	The defendant must pay th	ne total criminal monetary penalti	ies under the schedule of paym	ents on Sheet 6.			
гот	FALS \$ 25	* AVAA Assessment*	\$\frac{\text{JVTA Assessment}}{0}\text{**}	<u>Fine</u> \$500	Restitu \$ 0	<u>ıtion</u>	
	The determination of restination after such determination.	tution is deferred until	. An Amended Judgment	in a Criminal Ca	se (AO 245C)	) will be e	ntered
	The defendant must make	restitution (including community	restitution) to the following p	payees in the amou	unt listed b	elow.	
	If the defendant makes a pin the priority order or pe paid before the United Sta	partial payment, each payee shal rcentage payment column below tes is paid.	l receive an approximately prov. However, pursuant to 18 U	oportioned paymers.S.C. § 3664(i), a	ent, unless all nonfede	specified or eral victims	otherwise must be
Nan	ne of Payee	Total Loss**	Restitution Ord	<u>ered</u>	<u>Priority</u>	or Percei	<u>ıtage</u>
Γ <b>Ο</b> Ί	ΓALS	\$	\$				
		d pursuant to plea agreement \$	•				
			of more than \$2.500 unless	the restitution or	fine ic nai	d in full b	afora the
	The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).					ubject to	
X	The court determined that	the defendant does not have the a	ability to pay interest and it is	ordered that:			
	★ the interest requirement	nt is waived for the 🛛 fine	restitution.				
	the interest requirement	nt for the  fine  re	estitution is modified as follow	vs:			
		Pornography Victim Assistance A king Act of 2015, Pub. L. No. 11		299.			

\*\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or

(Rev. 11/16) Judgment in a Criminal Case Sheet 4 — Schedule of Payments ASM/js (6227383)

Judgment - Page

DEFENDANT:

CASE NUMBER:

Michael Tremiti 1:21CR00032-004

#### SCHEDULE OF PAYMENTS

Hav	ing a	ssessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:
A		Lump sum payment of \$ due immediately, balance due
		☐ not later than, or ☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
В	$\boxtimes$	Payment to begin immediately (may be combined with $\square$ C, $\square$ D, or $\boxtimes$ F below); or
C		Payment in equal (e.g., weekly, monthly, quarterly) installments of \$ over a period of (e.g., months or years), to commence (e.g., 30 or 60 days) after the date of this judgment; or
D		Payment in equal (e.g., weekly, monthly, quarterly) installments of \$ over a period of (e.g., months or years), to commence (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
E		Payment during the term of supervised release will commence within (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
F	$\boxtimes$	Special instructions regarding the payment of criminal monetary penalties:
		The defendant shall pay a special assessment of \$25, which shall be due immediately. If incarcerated, payment shall begin under the Bureau of Prisons Inmate Financial Responsibility Program. Payments shall be made to the Clerk, U.S. District Court (WD/NY), 2 Niagara Square, Buffalo, New York 14202.
		THE COURT IMPOSES A \$500 FINE. The Court finds that the defendant has the ability to pay a \$500 fine. Interest on the fine is waived.
duri	ng im	e court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due aprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial bility Program, are made to the clerk of the court.
The	defer	ndant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.
	Join	at and Several
		endant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, corresponding payee, if appropriate.
	The	defendant shall pay the cost of prosecution.
	The	defendant shall pay the following court cost(s):
	The	defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

(Rev. 10/19) Judgment in a Criminal Case Sheet I

TEB/js (6226953)

# UNITED STATES DISTRICT COURT

Western District Of New York UNITED STATES OF AMERICA JUDGMENT IN A CRIMINAL CASE  $\mathbb{V}$ . Case Number: 1:21CR00032-001 Robert Morgan USM Number: 28708-005 Joel M. Cohen, Mylan L. Denerstein, Timothy Sun Defendant's Attorney THE DEFENDANT: FATES DISTRIC □ pleaded guilty to count(s) 1 of the Superseding Information pleaded nolo contendere to count(s) JUL 2:7 2022 which was accepted by the court. ☐ was found guilty on count(s) after a plea of not guilty. The defendant is adjudicated guilty of these offenses: Title & Section Nature of Offense Offense Ended Count 18 U.S.C. §1343, Conspiracy to Commit Wire Fraud 09/2016 18 U.S.C. §371 The defendant is sentenced as provided in pages 2 through 4 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984. ☐ The defendant has been found not guilty on count(s) 1-7, 12-16, 25, 37, 43, 50-52, 55-57, 59-60, 72-96, and 103 of the  $\boxtimes$  Count(s)  $\Box$  is are dismissed on the motion of the United States. Indictment 1:21CR00032-001 It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances. 23, 2022 Imposition of Judgmen Signature of Judge Elizabeth A. Wolford, Chief U.S. District Judge Name and Title of Judge July 26, 2022 Date

AO 245B	(Rev. 10/19) Judgment in Criminal Case Sheet 2 — Imprisonment		TEB/js (62269:	53)
	NDANT: Robert Morgan NUMBER: 1:21CR00032-001	Judgment — Page 2	of <u>4</u>	******
	IMPRISONMENT			
	The defendant is hereby committed to the custody of the United States Bure Time Served	au of Prisons to be imprisoned for a tota	l term of:	
	The cost of incarceration fee	e is waived.		
	The court makes the following recommendations to the Bureau of Prisons:			
	The defendant is remanded to the custody of the United States Marshal.			
	The defendant shall surrender to the United States Marshal for this district:			
	□ at □ a.m. □ p.m. on			
••	as notified by the United States Marshal.			
	The defendant shall surrender for service of sentence at the institution design	nated by the Bureau of Prisons:		
	□ before 2 p.m. on .			
	as notified by the United States Marshal.			
	as notified by the Probation or Pretrial Services Office.			
	RETURN			
I have ex	xecuted this judgment as follows:			
	Defendant delivered on	to		
at	, with a certified copy of this judg	gment.		
-				
		UNITED STATES MARSHAL	SE TO THE PERSON NAMED TO STATE OF	
	Ву	DEPUTY UNITED STATES MARSHA		
		PETOTI CHITED STATES MAKSUN	12	

(Rev. 10/19) Judgment in a Criminal Case Sheet 4 — Criminal Monetary Penalties

TEB/js (6226953)

DEFENDANT: CASE NUMBER: Robert Morgan 1:21CR00032-001 Judgment—Page 3 of

# CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

TO	TALS	Assessment 100	AVAA Assessment*	JVTA Assessment**  \$ 0	Fine	Restitution
10	IALS	3 100	<b>3</b> 0	<b>3</b> U	\$ 2,000	<b>5</b> 0
	The determin after such det		n is deferred until	. An Amended Judgment in	a Criminal Case	e (AO 245C) will be entered
	The defendan	t must make resti	tution (including community	restitution) to the following page	yees in the amour	at listed below.
	in the priority	ant makes a partion or or percent are United States is	age payment column below.	receive an approximately prop However, pursuant to 18 U.S.	oortioned paymen S.C. § 3664(i), all	t, unless specified otherwise nonfederal victims must be
Nam	e of Payee		Total Loss**	Restitution Order	<u>ed</u>	Priority or Percentage
				-		
		•	suant to plea agreement \$	nonement of the second of the second of	***	
	fifteenth day	after the date of t		of more than \$2,500, unless th U.S.C. § 3612(f). All of the p § 3612(g).		
$\boxtimes$	The court det	ermined that the d	lefendant does not have the a	bility to pay interest and it is or	dered that:	
	★ the interest	st requirement is	waived for the 🛛 fine	restitution.		
	the intere	st requirement for	the  fine  re	stitution is modified as follows	:	
* ^ ~	ar Violer and	Andu Child Par	agnomby. Viating Assistance A	at af 2018 Dub I No 115 20	<b>10</b>	

<sup>\*</sup> Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299.

<sup>\*\*</sup> Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

<sup>\*\*</sup> Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

AO 245B (Rev. 10/19) Judgment in a Criminal Case TEB/js (6226953) Sheet 5 - Schedule of Payments Judgment - Page 4 4 of **DEFENDANT:** Robert Morgan 1:21CR00032-001 CASE NUMBER: SCHEDULE OF PAYMENTS Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows: ☐ Lump sum payment of \$ due immediately, balance due not later than П , or ☐ F below; or in accordance □ C, □ D, E, or В Payment to begin immediately (may be combined with  $\square$  C, □ D, or F below); or C Payment in equal (e.g., weekly, monthly, quarterly) installments of \$ over a period of (e.g., months or years), to commence (e.g., 30 or 60 days) after the date of this judgment; or D (e.g., weekly, monthly, quarterly) installments of \$ Payment in equal over a period of (e.g., months or years), to commence (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or E Payment during the term of supervised release will commence within (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or F Special instructions regarding the payment of criminal monetary penalties: The defendant shall pay a special assessment of \$100, which shall be due immediately. If incarcerated, payment shall begin under the Bureau of Prisons Inmate Financial Responsibility Program. Payments shall be made to the Clerk, U.S. District Court (WD/NY), 2 Niagara Square, Buffalo, New York 14202. COURT IMPOSES A \$2,000 FINE. The Court finds that the defendant has the ability to pay a \$2,000 fine. Interest on the fine is waived. The fine is due immediately. Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court. The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed. Joint and Several Case Number Defendant and Co-Defendant Names Joint and Several Corresponding Payee, **Total Amount** Amount if appropriate. (including defendant number)

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVTA assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.

The defendant shall forfeit his interest in the property specifically set forth in Section XIII of the Plea Agreement and incorporated

The defendant shall pay the cost of prosecution.

The defendant shall pay the following court cost(s):

 $\times$ 

herein.

(Rev. 11/16) Judgment in a Criminal Case Sheet I

TEB for LBF/js (4930743)

# UNITED STATES DISTRICT COURT

Western Dist	rict Of New York			
UNITED STATES OF AMERICA	JUDGMENT IN A CRIMINAL CASE			
₩.	ý			
Todd Morgan	) Case Number: 1:21CR00032-003			
	USM Number: 28091-055			
	David Rothenberg & Michael Evan Rothenberg			
THE DEFENDANT:	Defendant's Attorney  FILED STATES DISTRICT COUPS			
□ pleaded guilty to count(s) 1 of the Superseding Information	FILED FILED COLFE			
pleaded nolo contendere to count(s) which was accepted by the court.	JUL 27 2022			
was found guilty on count(s) after a plea of not guilty.	WESTERN DISTRICT OF NY			
The defendant is adjudicated guilty of these offenses:				
Title & Section 18 U.S.C. § 2113(b)  Nature of Offense Bank Larceny	Offense Ended Count 09/2016			
The defendant is sentenced as provided in pages 2 through the Sentencing Reform Act of 1984.	4 of this judgment. The sentence is imposed pursuant to			
☐ The defendant has been found not guilty on count(s)				
$\boxtimes$ Count(s) 1, 21, 25-36, 39, 41, 44-54, 61-72, 85-102, 104 of the Indictment $\square$ is $\boxtimes$ ar	e dismissed on the motion of the United States.			
It is ordered that the defendant must notify the United States or mailing address until all fines, restitution, costs, and special as restitution, the defendant must notify the court and United States att	s attorney for this district within 30 days of any change of name, residence, seessments imposed by this judgment are fully paid. If ordered to pay orney of material changes in economic circumstances.			
	July 22, 2022 Date of Imposition of Judgment			
Signature orbudge				
	Elizabeth A. Wolford, Chief U.S. District Judge Name and Title of Judge			
	July 26, 2022 Date			

AO 245B	(Rev. 11/16) Judgment in Criminal Case Sheet 2 — Imprisonment		T!	EB for LE	BF/js (4930743)
	IDANT: Todd Morgan NUMBER: 1:21CR00032-003	Judgment — Pa	ge 2	of	4
	IMPRISONMENT				
	The defendant is hereby committed to the custody of the United States Bureau of Prisons Time Served	s to be impriso	oned for a to	otal tern	n of:
	The cost of incarceration fee is waived.				
	The court makes the following recommendations to the Bureau of Prisons:				
	The defendant is remanded to the custody of the United States Marshal.				
	The defendant shall surrender to the United States Marshal for this district:				
	□ at □ a.m. □ p.m. on □ as notified by the United States Marshal.				
	The defendant shall surrender for service of sentence at the institution designated by the	Bureau of Pri	sons:		
	□ before 2 p.m. on .				
*	as notified by the United States Marshal.				
	as notified by the Probation or Pretrial Services Office.				
	RETURN				
I have e	xecuted this judgment as follows:				
	Defendant delivered on to				
at	, with a certified copy of this judgment.				

UNITED STATES MARSHAL

Ву

DEPUTY UNITED STATES MARSHAL

AO 24	45B (Rev. 06/21) Judgme Sheet 3 — Criminal	ent in a Criminal Case Monetary Penalties			TEB for LBF/js (4930743)		
DEFENDANT: CASE NUMBER:		Todd Morgan 1:21CR00032-003		Judgmei	Judgment—Page 3 of 4		
		CRIMINAL M	ONETARY PENALT	TIES			
	The defendant must pa	y the total criminal monetary pena	lties under the schedule of pay	ments on Shee	t 6.		
тот	Assessment Assessment ALS \$ 25	AVAA Assessment*  \$ 0	JVTA Assessment**  \$ 0	<u>Fine</u> \$500	Restitution 0		
	The determination of r	estitution is deferred until	. An Amended Judgmen	t in a Crimina	l Case (AO 245C) will be entered		
	The defendant must m	ake restitution (including communi	ity restitution) to the following	payees in the	amount listed below.		
	If the defendant makes the priority order or pe before the United State	ercentage payment column below.	Il receive an approximately pro However, pursuant to 18 U.S.	oportioned paya .C. § 3664(i), a	ment, unless specified otherwise in all nonfederal victims must be paid		
<u>Nan</u>	ne of Payee	Total Loss**	Restitution Or	<u>dered</u>	Priority or Percentage		
TO	ΓALS	\$	\$				
	Restitution amount ord	lered pursuant to plea agreement					
	day after the date of th	y interest on restitution and a fine of e judgment, pursuant to 18 U.S.C. § lt, pursuant to 18 U.S.C. § 3612(g)	§ 3612(f). All of the payment		ne is paid in full before the fifteenth et 6 may be subject to penalties for		
$\boxtimes$	The court determined	hat the defendant does not have the	e ability to pay interest and it is	s ordered that:			
	★ the interest required	ement is waived for the 🗵 fir	ne 🗌 restitution.				
	☐ the interest require	ement for the	restitution is modified as follo	ows:			
* Ar	my, Vicky, and Andy Ch	aild Pornography Victim Assistance	e Act of 2018, Pub. L. No. 115	i-299.			

<sup>\*\*</sup> Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

\*\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

(Rev. 11/16) Judgment in a Criminal Case Sheet 4 — Schedule of Payments

TEB for LBF/js (4930743)

DEFENDANT: Todd Morgan
CASE NUMBER: 1:21CR00032-003

SCHEDULE OF PAYMENTS

		SCHEDULE OF PAYMENTS
Havi	ng a	ssessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:
A		Lump sum payment of \$ due immediately, balance due
		☐ not later than , or ☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
В	$\boxtimes$	Payment to begin immediately (may be combined with C, D, or K F below); or
C		Payment in equal (e.g., weekly, monthly, quarterly) installments of \$ over a period of (e.g., months or years), to commence (e.g., 30 or 60 days) after the date of this judgment; or
D		Payment in equal (e.g., weekly, monthly, quarterly) installments of \$ over a period of (e.g., months or years), to commence (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
E		Payment during the term of supervised release will commence within (e.g 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
F	$\boxtimes$	Special instructions regarding the payment of criminal monetary penalties:
		The defendant shall pay a special assessment of \$25, which shall be due immediately. If incarcerated, payment shall begin under the Bureau of Prisons Inmate Financial Responsibility Program. Payments shall be made to the Clerk, U.S. District Court (WD/NY), 2 Niagara Square, Buffalo, New York 14202.
		THE COURT IMPOSES A \$500 FINE. The Court finds that the defendant has the ability to pay a \$500 fine. Interest on the fine is waived. The fine is due immediately.
durir	ng im	e court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due prisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial polity Program, are made to the clerk of the court.
The	defer	dant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.
	Join	t and Several
		endant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, corresponding payee, if appropriate.
	The	defendant shall pay the cost of prosecution.
	The	defendant shall pay the following court cost(s):
	The	defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.